

PLAINTIFF'S COMPLAINT

EXHIBIT "A"

FORSYTH COUNTY, GEORGIA
FILED IN THIS OFFICE
12/16/2022 4:36 PM
GREG G. ALLEN
CLERK OF THE SUPERIOR COURT
22CV-1967-
JUDGE DICKINSON, DAVID L

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

CECELIA GASKINS,

:

CIVIL ACTION

Plaintiff,

:

FILE NO.: _____

v.

:

WAL-MART STORES EAST, L.P.,

:

d/b/a WAL-MART,

:

Defendant.

COMPLAINT

COMES NOW Cecelia Gaskins, Plaintiff in the above-styled action, and files this
Complaint against Defendant, showing the Court as follows:

1.

Defendant Wal-Mart Stores East, L.P. hereinafter referred to as "Defendant," is a foreign
limited partnership that is authorized to and does transact business within the State of Georgia.

2.

Defendant, at all relevant times, owned and/or operated the Wal-Mart located at 3274
Inner Perimeter Road in Valdosta, Georgia, and is subject to the jurisdiction of this Honorable
Court. Defendant may be served through its registered agent: The Corporation Company (FL),
106 Colony Park Drive, Suite 800-B, Cumming, Georgia 30040-2794.

3.

Jurisdiction and venue are proper in this Court.

4.

On or about May 12, 2021, Plaintiff was present at the Wal-Mart located at 3274 Inner Perimeter Road in Valdosta, Georgia as a customer/business invitee.

5.

Plaintiff was walking in Defendant's parking lot and, as she was walking, tripped and fell due to the uneven pavement. The dangerous condition (i.e. unsafe, uneven surface) was not readily apparent to the average customer/business invitee.

6.

Defendant knew or should have known of the dangerous condition before Plaintiff was injured by the defect.

7.

Defendant had notice of the dangerous condition.

8.

Defendant's employees and agents knew of such dangerous condition on May 12, 2021, and notwithstanding their knowledge of such dangerous condition, maintained such dangerous condition on May 12, 2021.

9.

This dangerous condition, which was known to the agents and employees of Defendant, was unknown to Plaintiff.

10.

As a result of the incident, Plaintiff has suffered serious bodily injury.

11.

As a result of the injuries and negligence of Defendant, Plaintiff has suffered past, present and will in the future suffer pain therefrom.

12.

Plaintiff has incurred medical expenses for treatment of her injuries.

13.

Plaintiff's injuries are permanent and continuing in nature.

14.

All damages suffered by Plaintiff are the direct and proximate result of the Defendant's negligent acts and omissions.

WHEREFORE, Plaintiff prays as follows:

- a. That service of process issue in accordance with the law;
- b. That Plaintiff have a jury trial on all issues set forth herein;
- c. That Plaintiff recover a judgment against Defendant in the amount of \$500,000.00 for medical bills, and pain and suffering;
- d. That Plaintiff be entitled to all costs of this action;
- e. That Plaintiff have such other and further relief as this Honorable Court deems just and proper.

This the 16th day of December 2022.

JODY D. PETERMAN, LLC

/s/ Jody D. Peterman

JODY D. PETERMAN

Attorney for Plaintiff

Georgia Bar No.: 573552

P.O. Box 6010

Valdosta, GA 31603-6010

Phone (229) 247-0386

Fax (229) 469-6735

Email: petermanlawoffice@yahoo.com

SHERIFF'S ENTRY OF SERVICE

EXHIBIT "B"

FILED IN OFFICE

CLERK OF SUPERIOR COURT

FORSYTH COUNTY, GEORGIA

REORDER #11-1785 TOMMY CASTLEBERRY CO. COVINGTON, GA 30014

22CV-1967-2

Judge David L. Dickinson
JAN 11, 2023 10:26 AM

SHERIFF'S ENTRY OF SERVICE

Civil Action # 22CV-1967-2

Superior Court ☒
State Court ☐

Date Filed 12/16/22

FORSYTH COUNTY

Greg G. Allen, Clerk
Forsyth County, Georgia

Cecelia Gaskins

Attorney's Address

Jody D. Peterman, LLC
304 N. Ashley Street
Valdosta, GA 31601

Plaintiff

VS.

Wal-Mart Stores East, L.P. d/b/a Wal-Mart

Name and Address of Party to be Served.

Wal-Mart Stores East, L.P.

Defendant

c/o The Corporation Company (FL), as Registered Agent

106 Colony Park Drive, Suite 800-B

Cumming, GA 30040-2794

Garnishee

SHERIFF'S ENTRY OF SERVICE

I have this day served the defendant _____ personally with a copy of the within action and summons.

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of _____ described as follows:
age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

Served the defendant The Corporation Company a corporation
by leaving a copy of the within action and summons with Dayron Jackson
in charge of the office and place of doing business of said Corporation in this County.

Summons, Complaint

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class. in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 16th day of Jan., 2023.

1803
DEPUTY

SHERIFF DOCKET PAGE
WHITE-CLERK CANARY-PLAINTIFF PINK-DEFENDANT

DELAWARE DEPARTMENT OF
CORPORATIONS AND GEORGIA
SECRETARY OF STATE DOCUMENTS

EXHIBIT “C”

Department of State: Division of Corporations

[Allowable Characters](#)

HOME

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number: **3455699** Incorporation Date / **11/9/2001**
Formation Date: (mm/dd/yyyy)

Entity Name: **WAL-MART STORES EAST, LP**

Entity Kind: **Limited Partnership** Entity Type: **General**

Residency: **Domestic** State: **DELAWARE**

REGISTERED AGENT INFORMATION

Name: **THE CORPORATION TRUST COMPANY**

Address: **CORPORATION TRUST CENTER 1209 ORANGE ST**

City: **WILMINGTON** County: **New Castle**

State: **DE** Postal Code: **19801**

Phone: **302-658-7581**

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

For help on a particular field click on the Field Tag to take you to the help area.

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GEORGIA
CORPORATIONS
DIVISION

GEORGIA SECRETARY OF STATE
**BRAD
RAFFENSPERGER**

[HOME \(/\)](#)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name: **WAL-MART STORES
EAST, LP (DELAWARE)** Control Number: **0150520**

Business Type: **Foreign Limited
Partnership** Business Status: **Active/Owes Current
Year AR**

Business Purpose: **NONE**

Principal Office Address: **702 SW 8th St.,
Bentonville, AR, 72716,
USA** Date of Formation /
Registration Date: **11/16/2001**

Jurisdiction: **Delaware** Last Annual Registration
Year: **2022**

Principal Record Address: **NONE**

REGISTERED AGENT INFORMATION

Registered Agent Name: **THE CORPORATION COMPANY (FL)**

Physical Address: **106 Colony Park Drive Ste. 800-B, Cumming, GA, 30040-2794, USA**

County: **Forsyth**

GENERAL PARTNER INFORMATION

Name	Title	Business Address
WSE MANAGEMENT,, LLC	General Partner	708 SW 8th Street, Bentonville, AR, 72716, USA

[Back](#)

[Filing History](#)

[Name History](#)

[Return to Business Search](#)

Office of the Georgia Secretary of State Attn: 2 MLK, Jr. Dr. Suite 313, Floyd West Tower Atlanta, GA 30334-1530,
Phone: (404) 656-2817 Toll-free: (844) 753-7825, WEBSITE: <https://sos.ga.gov/>

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ALL DOCUMENTS AND PLEADINGS

EXHIBIT “D”

Civil Paper - CIVIL PAPER

CP58576

Civil ID 58576	Case ID	File/Docket # 22CV-1967-2	Location of Original Copy	Local #
Officer BURKE, D. E.				
PLAINTIFF NAME & ADDRESS GASKINS, CECELIA		Court	Court Date	
		Date Issued 12/16/2022	Date Received 01/09/2023	
		Disposition Active	Disposition Date 01/09/2023	

VERSUS

DEFENDANT NAME & ADDRESS WAL-MART STORES EAST, L.P. 106 Colony Park Dr , 800B Cumming,GA 30040	SERVE TO ADDRESS: Beat: S32 District: STH ReportArea: COM1 Neighbhd: SubDivsn:
Race / Sex / DOB	SSN
Employer Information	
Home Phone	Work Phone
Notes (for above Defendant)	
Alerts	

SERVICE NOTES

C/O RA THE CORPORATION COMPANY(FL) [01/09/2023 14:09, AWODTKE, 3073, FCSO]

FIRST ATTEMPT

Successful <input type="checkbox"/> Yes <input type="checkbox"/> No	Date	Time	Officer	Who Served
Where Served Serve To Address:			Comments (include new address)	

SECOND ATTEMPT

Successful <input type="checkbox"/> Yes <input type="checkbox"/> No	Date	Time	Officer	Who Served
Where Served			Comments (include new address)	

THIRD ATTEMPT

Successful <input type="checkbox"/> Yes <input type="checkbox"/> No	Date	Time	Officer	Who Served
Where Served			Comments (include new address)	

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

CECELIA GASKINS,

:

CIVIL ACTION

Plaintiff,

:

FILE NO.: _____

v.

:

WAL-MART STORES EAST, L.P.,

:

d/b/a WAL-MART,

:

Defendant.

SUMMONS

TO: WAL-MART STORES EAST, L.P.
 C/O THE CORPORATION COMPANY (FL), AS REGISTERED AGENT
 106 COLONY PARK DRIVE
 SUITE 800-B
 CUMMING, GA 30040-2794

You are hereby summoned and required to file with the Clerk of said Court and serve upon Jody D. Peterman, Plaintiff's attorney, whose address is Jody D. Peterman, LLC, P.O. Box 6010, Valdosta, GA 31603-6010, an answer to the Complaint which is herewith served upon you, within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This the 16 day of December, 2022.



Greg G. Allen, Clerk
 Forsyth County, Georgia

CLERK OF COURT

FORSYTH COUNTY, GEORGIA
FILED IN THIS OFFICE
12/16/2022 4:36 PM
GREG G. ALLEN
CLERK OF THE SUPERIOR COURT
22CV-1967-
JUDGE DICKINSON, DAVID L

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

CECELIA GASKINS,

:

CIVIL ACTION

Plaintiff,

:

FILE NO.: _____

v.

:

WAL-MART STORES EAST, L.P.,

:

d/b/a WAL-MART,

:

Defendant.

COMPLAINT

COMES NOW Cecelia Gaskins, Plaintiff in the above-styled action, and files this
Complaint against Defendant, showing the Court as follows:

1.

Defendant Wal-Mart Stores East, L.P. hereinafter referred to as "Defendant," is a foreign
limited partnership that is authorized to and does transact business within the State of Georgia.

2.

Defendant, at all relevant times, owned and/or operated the Wal-Mart located at 3274
Inner Perimeter Road in Valdosta, Georgia, and is subject to the jurisdiction of this Honorable
Court. Defendant may be served through its registered agent: The Corporation Company (FL),
106 Colony Park Drive, Suite 800-B, Cumming, Georgia 30040-2794.

3.

Jurisdiction and venue are proper in this Court.

4.

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5.

Plaintiff was walking in Defendant's parking lot and, as she was walking, tripped and fell due to the uneven pavement. The dangerous condition (i.e. unsafe, uneven surface) was not readily apparent to the average customer/business invitee.

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As a result of the incident, Plaintiff has suffered serious bodily injury.

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12.

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13.

Plaintiff's injuries are permanent and continuing in nature.

14.

All damages suffered by Plaintiff are the direct and proximate result of the Defendant's negligent acts and omissions.

WHEREFORE, Plaintiff prays as follows:

- a. That service of process issue in accordance with the law;
- b. That Plaintiff have a jury trial on all issues set forth herein;
- c. That Plaintiff recover a judgment against Defendant in the amount of \$500,000.00 for medical bills, and pain and suffering;
- d. That Plaintiff be entitled to all costs of this action;
- e. That Plaintiff have such other and further relief as this Honorable Court deems just and proper.

This the 16th day of December 2022.

JODY D. PETERMAN, LLC

/s/ Jody D. Peterman

JODY D. PETERMAN

Attorney for Plaintiff

Georgia Bar No.: 573552



P.O. Box 6010

Valdosta, GA 31603-6010

Phone (229) 247-0386

Fax (229) 469-6735

Email: petermanlawoffice@yahoo.com

 **EFILED IN OFFICE**
CLERK OF SUPERIOR COURT
FORSYTH COUNTY, GEORGIA
22CV-1967-2
Judge David L. Dickinson
FEB 07, 2023 04:12 PM

Greg G. Allen, Clerk
Forsyth County, Georgia

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

CECELIA GASKINS,)	
)	
Plaintiff,)	
)	Civil Action File
vs.)	No. 22CV-1967-2
)	
WAL-MART STORES EAST, L.P,)	
d/b/a WALMART)	
)	
Defendant.)	

**DEFENDANT WAL-MART STORES EAST, LP'S ANSWER AND DEMAND FOR
JURY TRIAL**

Defendant Wal-Mart Stores East, LP, by and through counsel of record, files this Answer to plaintiff's Complaint and shows as follows:

FIRST DEFENSE

The subject incident and Plaintiff's injuries, if any, were directly and proximately caused by plaintiff's failure to exercise ordinary care for their own safety.

SECOND DEFENSE

Plaintiff's knowledge of the hazard, if any, was equal to the knowledge, if any, that Defendant possessed; therefore, Plaintiff is barred from any recovery against Defendant.

THIRD DEFENSE

Plaintiff voluntarily assumed the risk of the hazard, if any, that was present at the subject store at the time of the subject incident; therefore, Plaintiff is barred from any recovery against Defendant.

FOURTH DEFENSE

Defendant has breached no legal duty to Plaintiff and Plaintiff's claims, therefore, should be dismissed.

FIFTH DEFENSE

No act or omission of Defendant caused or contributed to cause any injury or damage which Plaintiff may have suffered and Plaintiff, therefore, may not recover against Defendant.

SIXTH DEFENSE

If it is judicially determined that Defendant is liable for any injuries sustained by the Plaintiff, which is denied, then Defendant states that any injuries so sustained were caused, in whole or in part, by the Plaintiff's own negligence and/or fault, and that Plaintiff's damages therefore should be either barred or reduced by the percentage commensurate with the degree of negligence or fault attributable to the Plaintiff.

SEVENTH DEFENSE

Defendant will rely upon any and all defenses supported by facts developed during discovery proceedings in this action and hereby specifically reserves the right to amend its Answer for the purposes of asserting any such additional defenses.

EIGHTH DEFENSE

Defendant reserves the right to seek application of the law of the appropriate venue on all issues, including, but not limited to, statute of limitations, statute of repose, contributory and comparative negligence, and damages.

NINETH DEFENSE

Responding to the specific allegations of the numbered paragraphs of plaintiff's Complaint, Defendant Wal-Mart Stores East, LP, answers:

1.

Defendant admits the allegations contained within this paragraph of plaintiff's Complaint.

2.

Defendant admits the allegations contained within this paragraph of plaintiff's Complaint.

3.

Defendant admits the allegations contained within this paragraph of plaintiff's Complaint.

4.

Defendant is without sufficient information to either admit or deny allegations contained within this paragraph of plaintiff's Complaint.

5.

Defendant is without sufficient information to either admit or deny allegations contained within this paragraph of plaintiff's Complaint.

6.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

7.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

8.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

9.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

10.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

11.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

12.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

13.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

14.

Defendant denies the allegations contained within this paragraph of plaintiff's Complaint.

15.

Any allegation, language, or paragraph of plaintiff's Complaint not hereinbefore responded to is specifically denied by defendant.

WHEREFORE, having fully answered plaintiff's Complaint, defendant prays:

- a) that plaintiff's Complaint be dismissed;
- b) that defendant have judgment in its favor;
- c) that defendant have a trial by jury of twelve persons; and
- d) that defendant have all other proper relief.

This 7th day of February, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/Kyle Joyce
Jonathan M. Adelman
(State Bar No. 005128)
Kyle T. Joyce
(State Bar No. 960181)
Attorneys for Defendant

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710
jadelman@wachp.com
kjoyce@wachp.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed this PLEADING with the Clerk of the Court using an O.C.G.A. § 15-6-11 electronic filing service provider which will automatically send e-mail notification of such filing to the following attorney(s) of record:

Jody D. Peterman, Esq.
Georgia Bar No. 573552
Jody D. Peterman, LLC
P.O. Box 6010
Valdosta, GA 31603-6010
229-247-0386
Fax 229-469-6735
petermanlawoffice@yahoo.com

This 7th day of February, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/Kyle Joyce
Jonathan M. Adelman
(State Bar No. 005128)
Kyle T. Joyce
(State Bar No. 960181)
Attorneys for Defendant

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710
jadelman@wachp.com
cbrown@wachp.com

FILED IN OFFICE

CLERK OF SUPERIOR COURT

FORSYTH COUNTY, GEORGIA

REORDER #11-1785 TOMMY CASTLEBERRY CO. COVINGTON, GA 30014

22CV-1967-2

Judge David L. Dickinson
JAN 11, 2023 10:26 AM

SHERIFF'S ENTRY OF SERVICE

Civil Action # 22CV-1967-2

Superior Court ☒
State Court ☐

Date Filed 12/16/22

FORSYTH COUNTY

Greg G. Allen, Clerk
Forsyth County, Georgia

Cecelia Gaskins

Attorney's Address

Jody D. Peterman, LLC
304 N. Ashley Street
Valdosta, GA 31601

Plaintiff

VS.

Wal-Mart Stores East, L.P. d/b/a Wal-Mart

Name and Address of Party to be Served.

Wal-Mart Stores East, L.P.

Defendant

c/o The Corporation Company (FL), as Registered Agent

106 Colony Park Drive, Suite 800-B

Cumming, GA 30040-2794

Garnishee

SHERIFF'S ENTRY OF SERVICE

I have this day served the defendant _____ personally with a copy of the within action and summons.

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of _____ described as follows:
age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

Served the defendant The Corporation Company a corporation
by leaving a copy of the within action and summons with Dayron Jackson
in charge of the office and place of doing business of said Corporation in this County.

Summons, Complaint

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class. in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 16th day of Jan., 2023.

1803
DEPUTY

SHERIFF DOCKET PAGE
WHITE-CLERK CANARY-PLAINTIFF PINK-DEFENDANT